IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1352 OF 2006

IN

SECOND APPEAL (St.) NO. 20285 OF 2006

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr.A.P.Paralikar for the Applicants.

Mr. R.M.Pethe i/by Mr. R.G.Ketkar for the Respondent No.1.

CORAM: S.B.DESHMUKH, J.

DATE : 31ST AUGUST,2006

P.C.:

Not on Board. Mentioned. Taken on Board.

2. Heard learned Counsel for the applicants as well as respondent no.1.

3. Learned Counsel for the applicants, submits, that initially suit was filed by six plaintiffs i.e. the present applicants as well as respondent nos.2 and 3. This suit came to be dismissed and Civil Appeal

No. 126 of 2005 was filed before the District Judge, Pune, by the present applicants, also came to be dismissed. After dismissal of the first appeal, the applicants had filed writ petition, bearing Writ Petition No. 3861 of 2006 in this Court. The applicants were also required to file, subsequently, the civil revision application no.131 of 2006 in this Court. Ultimately, the applicants have filed the second appeal in this Court. According to the learned Counsel for the applicants, the applicants are entitled to seek condonation of delay, under Section 14 of the Indian Limitation Act, 1963. The learned Counsel for respondent no.1, has no serious objection for condonation of such delay.

4. In the result, the civil application is allowed. Delay of 59 days, for filing the second appeal in this Court, is condoned.

(S.B.DESHMUKH, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1353 OF 2006

IN

SECOND APPEAL (St.) NO. 20285 OF 2006

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr.A.P.Paralikar for the Applicants.

Mr. R.M.Pethe i/by Mr. R.G.Ketkar for the Respondent No.1.

CORAM: S.B.DESHMUKH, J.

DATE : 31ST AUGUST,2006

P.C.:

Not on Board. Mentioned. Taken on Board.

2. Heard learned Counsel for the applicants as well as respondent no.1.

3. The applicants were protected during the pendency of the first appeal before the learned District Judge at Pune. They were also protected further during the pendency

of the writ petition as well as the civil revision application till 24th August, 2006. In this view of the matter, there will be ad-interim relief in terms of prayer clause 4(b) of the Civil Application, till the next date.

4. Rule, returnable on 15th September, 2006.

5. Learned Counsel Mr. R. M. Pethe instructed by Mr. R. G. Ketkar, who appears for respondent no.1, waives service of Rule on behalf of respondent no.1 and seeks time to file reply.

6. Learned Counsel for the applicants, submits, that respondent nos.2 and 3 were the plaintiffs along with the present applicants, in the trial Court. In this view of the matter, service of notice of Rule to respondent nos.2 and 3, is not necessary.

(S.B.DESHMUKH, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

SECOND APPEAL (St.) NO. 20285 OF 2006

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr.A.P.Paralikar for the Appellants.

Mr. R.M.Pethe i/by Mr. R.G.Ketkar for the Respondent No.1.

CORAM: S.B.DESHMUKH, J.

DATE : 31ST AUGUST,2006

P.C.:

Office to register the second appeal and list for admission on 15th September, 2006.

(S.B.DESHMUKH, J.)